

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator's)	ORDER OF
)	
Certificate of Jason Bryan McSwain)	SUMMARY SUSPENSION
)	
Certificate #202761)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 7, 2003. The State Department of Education (Department) will send a notice of the possible suspension or revocation of his South Carolina teaching certificate no.202761 (certificate) to Mr. Jason B. McSwain by certified mail, return receipt requested, delivery restricted to addressee. In the interim in accordance with S.C. Code Ann. §1-23-370(c) (1986), the Department requested that the State Board summarily suspend Mr. McSwain's certificate until a due process hearing is held, or this matter is otherwise resolved. The Department has reason to believe, due to the nature of the misconduct that led to his arrest, that Mr. McSwain may pose a threat to the health, safety, or welfare of students that may be under his instruction. This summary suspension will be reported to all school districts in South Carolina and the NASDTEC Clearinghouse as a summary suspension pending due process proceedings. After considering the evidence presented, the State Board voted to summarily suspend Mr. McSwain's certificate until a due process hearing is held, or this matter is otherwise resolved .

FINDINGS OF FACT

Mr. McSwain holds a valid South Carolina certificate, and has over two years of teaching experience. He was under contract with the Cherokee County School District (District) for the 2002-2003 school year. On December 11' 2002, the District placed Mr. McSwain on suspension after a female high school student reported to the principal of Gaffney High School that McSwain performed sex acts

on her at his home when she was fifteen years old. Mr. McSwain resigned from the District on December 13, 2002, and was arrested on December 14, 2002, and charged with Criminal Sexual Conduct with a Minor under the age of sixteen, Second degree.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes: "Unprofessional conduct, Any conduct involving moral turpitude, Crimes against the law of this State or the United States, and Evident unfitness for position for which employed." S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (1986), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is reason to believe that Mr. McSwain may pose a danger or threat to the welfare of students that may be under his instruction. The State Board hereby summarily suspends Mr. McSwain's certificate # 202761 until a due process hearing is held, or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ J. Spratt White

J. Spratt White

Chair

Columbia, South Carolina

January 7, 2003